



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/917,480	08/26/97	WAKAYAMA	S R-8767

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EXAMINER

DINH.T

ART UNIT	PAPER NUMBER
3641	6

DATE MAILED: 02/01/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/917,480

Applicant(s)

Wakayama

Examiner

T. Dinh

Group Art Unit

3641



☒ Responsive to communication(s) filed on Nov 23, 1998 :

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ashkenas.

Ashkenas discloses a blended delta shape wing with control surface configuration system to optimize the spanwise force distribution for different flight conditions.

As for the different configurations of the control surfaces to control different flight conditions, the control surfaces on Ashkenas' system inherently controls the airflows around the aircraft so that certain desired flight conditions are met. By control or orienting the control surfaces at certain positions, pitch maneuver or maximizing lifting force with stall can be achieved by Ashkenas' control surfaces.

Response to Amendment

In response to argument on page 3 of the amendment, Ashkenas discloses a delta shape wing having various control surface configurations to optimize the spanwise force distribution for different flight conditions. Please note that the control surfaces of Ashkenas are reconfigurable to a plurality of predetermined positions to optimize the force distribution (or lift). As for the

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applicant argument that there is no suggestion of “coordinating the flaps with either the elevons or rudders”, please note that this limitation is not in the claims. As for the applicant’s argument on the Examiner’s position on the term “inherent,” the examiner used the term “inherent” because one skilled in the art would recognize that control surfaces control the airflows around the aircraft. This is the basic, fundamental principle of flight. As for the applicant argument on page 4 that the “Office Action merely states that such a system would be inherent...”, please note that the claimed elements are met by the Ashkenas reference. Ashkenas clearly teaches control surfaces that are selectively reconfigurable to a plurality of predetermined positions.” By setting the control surfaces of Ashkenas at various positions during flight, the controls do indeed “optimize the spanwise force distribution across the wing” for the particular flight conditions that the aircraft is in.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

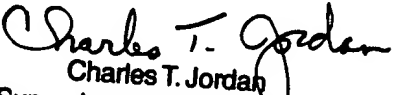
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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tien Dinh whose telephone number is (703) 308-2798. The examiner can normally be reached on Monday thru Friday from 8 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, C. Jordan, can be reached on (703) 308-4159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.


Charles T. Jordan
Supervisory Patent Examiner
Group 3600